

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2123 of 1984

WITH

CIVIL APPLICATION NO. 3698 OF 1999.

FARAMROJ PIROJSHAW WADIA

Versus

STATE OF GUJARAT

Appearance:

MR RP BHATT for Petitioner
MR CC BHALJA for Respondent No. 1
M/S. B.K. & G. for Respondent No. 2
RULE SERVED for Respondent No. 3
MR DEVESH A BHATT for Respondent No. 4, 5, 6, 7

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 3/05/99

ORAL JUDGEMENT

After hearing the learned counsel for the parties, the judgment was kept reserved but it could not be pronounced. Learned counsel for the petitioner states that the possession of the property in dispute has not been taken by the Government.

Learned counsel for the petitioner has brought to the notice of this Court the Urban Land (Ceiling & Regulation) Repeal Act, 1999, which, according to him, has already been come into force on 30-3-1999, in view of the Resolution passed by the Legislature Assembly under Article 252 of the Constitution of India, S. 4 of the aforesaid Repealing Act, 1999 reads as under :

"4 - All proceedings relating to any other made or purported to be made under the principal Act pending immediately before the commencement of this Act, before any Court, Tribunal or other authority shall bate;

Provided that this section shall not apply to the proceedings relating to sections 11, 12, 13 and

14 of the principal Act, in so far as such proceedings are relatable to the land, possession of which has been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority."

In case, the plan which was sanctioned on earlier occasion has become invalid due to lapse of time or due to proceedings of this case, the Municipal Corporation will not treated as invalid the plan which was already sanctioned in accordance with law. Proceedings in this petition therefore abate. Rule is discharged, with no order as to costs. Interim relief granted earlier stands vacated.

In view of the above order, Civil Application No. 3698 of 1999 does not survive and hence the same stands disposed of accordingly, with no order as costs.

Date:-3-5-1999. (Kundan Singh, J.)